

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
Region II
26 Federal Plaza
New York, New York 10278

IN THE MATTER OF :

JOSEPH BRILLO, JAMES FROLA, :
GEORGE KNOTT, RUSSELL MAHLER, :
EUGENE PRASHKER, JAMES SARNO, :
CHARLES STRAWAY, HAROLD STRONGE, :
and ALBERT VON DOHLN, :

Individuals, and :

A. G. BECKER PARIBAS, : Docket No.: II-CERCLA-50108

INCORPORATED, as successor to :
WARBURG-PARIBAS-BECKER, INC. :

A. L. EASTMOND & SONS, INC. :

AAXON INDUSTRIAL, INC. :

AG-MET REFINING CO. :

ALCAN ALUMINUM CORPORATION :

ALL COUNTY ENVIRONMENTAL :

ALLIED CORPORATION :

AM ENVIRONMENT SERVICE :

ANDAX ENVIRONMENTAL CORPORATION : ORDER ON CONSENT

ARABIAN OIL CO. :

BASF-WYANDOTTE CORP. :

B.F.I. :

BUCKEYE PIPE LINE COMPANY :

D. CALLEIA, INC., d/b/a :

TANKS-A-LOT :

CARRIER CORPORATION :

CASCO EQUIPMENT CORPORATION :

CHEMICAL LEAMAN TANK LINES, INC. :

CHEMICAL MANAGEMENT :

CHEMICAL POLLUTION CONTROL, INC. :

CHRYSLER CORPORATION :

CLAIROL, INC. :

COASTAL SERVICES :

CUYAHOGA WRECKING CO. :

DART & KRAFT :

DIAMOND HEAD OIL REFINING, :

Division of NEWTOWN REFINING :
CORP. :

E.R.P. CORPORATION :

EASTERN OIL SERVICE :

EDGEWATER TERMINALS, INC. :

ENVIRONMENTAL OIL, INC. :

EXXON COMPANY, USA :

EXXON RESEARCH & ENGINEERING CO. :

FARNHAM SANITARY :

FORD MOTOR CO. :

GENERAL DYNAMICS :

GOULD PUMPS, INC. :

HARBOR PETROLEUM :

HAZARDOUS WASTE CONTROL :

HEROUX LTD. :

HITCHCOCK GAS ENGINE :

HUDSON OIL REFINING CORPORATION :

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INDUSTRIAL ENVIRONMENTAL :
INGERSOLL-RAND COMPANY :
KEY OIL COMPANY, INC. :
KOPPERS CO., INC. :
LARRY'S WASTE OIL SERVICE :
MILLER BREWING COMPANY :
MORSE AUTOMOTIVE PRODUCTS :
MORSE CHAIN CO. :
NATIONAL CAN CORP. :
NEAPCO :
NED'S WASTE OIL SERVICE :
NEW ERA OIL SERVICE, INC. :
NEWTOWN OIL :
NORTHEAST OIL SERVICE OF :
SYRACUSE, INC. :
OIL TRANSFER CORPORATION :
PABST BREWING CO. :
PEABODY COASTAL SERVICES :
PEABODY INTERNATIONAL CORP. :
PETROLEUM RESOURCES, INC. :
PLYMOUTH ROCK FUEL :
POLAR INDUSTRIES, INC. :
PORTLAND HOLDING CORPORATION :
PRATT & WHITNEY AIRCRAFT GROUP :
MANUFACTURING DIVISION, :
UNITED TECHNOLOGIES :
PRATT & WHITNEY CANADA LTD. :
PRESTO LOCK COMPANY, subsidiary :
of WALTER KIDDE & CO., INC. :
PUBLIC SERVICE ELECTRIC AND :
GAS COMPANY :
PUMPING SERVICES :
PUMPING SERVICE, INC. :
QUANTA HOLDING CORP., a :
subsidiary of WASTE RECOVERY, :
INC. :
QUANTA RESOURCES CORP. :
ROME STRIP STEEL COMPANY, INC. :
S&E WASTE OIL :
SMILES FUEL OIL COMPANY, INC. :
STUYVESANT FUEL SERVICE CO. :
SYNTHETIC PRODUCTS CO. :
TRW INC., MARLIN ROCKWELL :
DIVISION :
THE STANLEY WORKS :
TOTAL RECOVERY, INC. :
TURBO PRODUCTS INTERNATIONAL, :
INC. :
THE UPJOHN CO. :
UNITED STATES NAVY :
WARE CHEMICAL CORP., and :
WASTE RECOVERY, INC., :
a subsidiary of WARBURG- :
PARIBAS-BECKER, INC., :
:

Respondents. :

Proceeding Pursuant to \$106 :
of the Comprehensive Environ- :
mental Response, Compensation :
and Liability Act, 42 U.S.C. :

JURISDICTION

This Administrative Order on Consent (Order) is entered into among the United States Environmental Protection Agency (EPA) and the above-captioned respondents (Respondents) pursuant to the authority vested in the President of the United States by §106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), which authority was delegated to the Administrator of EPA by Executive Order 12316, 46 Fed. Reg. 42237 (August 20, 1981), and duly redelegated to the Regional Administrator, EPA Region II on March 17, 1983. Pursuant to that authority, EPA hereby makes the following Findings and Determination and issues the following Order on Consent. Pursuant to Section 106(a) of CERCLA, the State of New Jersey Department of Environmental Protection (NJDEP) has been notified of this Order.

FINDINGS

1. Each Respondent is a person, as defined in §101(21) of CERCLA, 42 U.S.C. §9601(21), and either an owner or operator of the facility, or a generator or transporter of hazardous substances disposed of at the facility, which is the subject of this Order, and thus a responsible party under Sections 107(a)(1), (2), (3) or (4) of CERCLA, 42 U.S.C. §§9607(a)(1), (2), (3) or (4). Each Respondent is jointly and severally liable, with each and every other Respondent, for carrying out the provisions of this Order.

2. The hazardous substances referred to in this Order shall mean any substances meeting the definition of "Hazardous Substance" as defined in §101(14) of CERCLA, 42 U.S.C. §9601(14).

3. The facility which is the subject matter of this Order (hereinafter, "the facility" or "the site"), which has come to be known variously as the "Quanta Resources" facility or the "Edgewater Terminal", is located at One River Road, Edgewater, New Jersey. The property, located in the Borough of Edgewater, County of Bergen, comprises Block 95, Lots 1, 2, and 3, on the Tax Map of the Borough of Edgewater. The Hudson River forms the eastern boundary of the property, which lies at a point approximately parallel to West 93rd Street, Manhattan. It is further bordered by the Celotex Industrial Park property on the north, an industrial facility on the south, and a railroad right of way and River Road, a primary commercial thoroughfare, to the west.

4. The site is adjacent to commercial facilities which process or are otherwise engaged in the handling of food intended for human consumption. River Road carries a continual stream of both commercial and non-commercial vehicular traffic. A portion of the New Jersey Palisades, which rises 500 yards to the west of the property, contains medium density residential housing, including several high-rise condominium residences. The segment of the Hudson River bordering the facility to the east carries both commercial and pleasure traffic throughout the year.

5. Winds traveling west over the property would carry airborne emissions of hazardous or toxic substances or materials, if such releases were to occur, from the property into the adjacent residential community of Edgewater. Winds traveling east over the property would carry airborne emissions of hazardous or toxic substances or materials, if such releases were to occur, from the property over the Hudson River and ultimately into a heavily populated area of Manhattan.

6. A release of liquid hazardous substances from the property traveling west would reach River Road. A release of liquid hazardous substances from the property traveling east would enter the Hudson River. The lower Hudson River is an important recreational area, historically capable of supporting a major sports and commercial fishery. It is a major habitat of the Striped Bass, a species which supports a multi-million dollar fishery along the Atlantic coast. The shoreline immediately adjacent to the facility has been identified as part of an important Striped Bass nursery area.

7. Beginning at some time in the 1930s, the Asphalt Division of Allied Chemical Corporation (now ALLIED CORPORATION) commenced operations at the site.

8. ALLIED CORPORATION (ALLIED) conducted asphalt manufacturing operations at the facility for several decades thereafter. In or about March 1974, Respondents JAMES FROLA (FROLA) and ALBERT VON DOHLN (VON DOHLN) purchased the facility from ALLIED.

9. In or about May 1977, FROLA and VON DOHLN leased the facility to Respondent E. R. P. CORPORATION (ERP). The lease specified that the property was to be utilized for the storage of oil and recycling of oil. At a time after May 1977, ERP assigned its lease to Respondent EDGEWATER TERMINALS, INC., which, on or about July 29, 1980 re-assigned the lease to Respondent QUANTA RESOURCES CORPORATION (QRC). QRC was a wholly owned subsidiary of Respondent QUANTA HOLDING CORP., which, in turn, was a wholly owned subsidiary of Respondent WASTE RECOVERY, INC. Respondent WASTE RECOVERY, INC. was a wholly owned subsidiary of Respondent A. G. BECKER PARIBAS, INCORPORATED (formerly WARBURG-PARIBAS-BECKER, INC.).

10. On or about August 6, 1980 QRC, as successor operator of the business of Respondent EDGEWATER, entered into an administrative consent order with the New Jersey Department of Environmental Protection (NJDEP) under which NJDEP extended the Temporary Operating Authorization (TOA) previously issued to Respondent EDGEWATER on December 28, 1979. The consent order required QRC to perform extensive environmental cleanup activities at the site and to operate thereafter only in conformance with enumerated State laws and regulations. Specifically, the activities which could be legally conducted at the site, and types of wastes which could be legally accepted by the operation at the facility, was limited to storage, reprocessing, reclamation, and recovery of special wastes consisting of waste oil, oil emulsions, and oil sludges. Acceptance of PCBs was completely prohibited. The August 6, 1980 NJDEP order was superseded by another NJDEP consent order with Respondent QRC dated May 29, 1981.

11. As a result of its assumption of the business of Respondent EDGEWATER, and despite the limitations of its TOA, on and after August 6, 1980 Respondent QRC, and Respondents HUDSON OIL REFINING CORPORATION, NEWTOWN OIL, POLAR INDUSTRIES, INC., CASCO EQUIPMENT CORPORATION, and OIL TRANSFER CORPORATION offered to the public waste collection, transportation, and disposal services utilizing the tank capacity existing at the site.

12. During the period of operation of the facility, Respondents who generated wastes made arrangements with the operator of the facility, with one of the Respondents named in Paragraph //, supra, or with another waste transporter, for the transportation of their wastes to the facility and/or the reprocessing and recovery of their wastes, which included hazardous substances, pollutants, and contaminants. The wastes presently being released and/or posing a threat of release from the facility to the environment were delivered to the facility or generated by certain of the Respondents.

13. Analyses of samples taken from tanks at the facility on or about June 23, 1981 indicated the presence of PCBs in the liquids in those tanks at concentrations exceeding 50 parts per million. Storage of PCBs constituted a violation of the TOA.

14. At the direction of NJDEP, operations at the facility ceased on July 2, 1981. NJDEP issued a formal order of cessation of operations on October 12, 1981. Six days earlier, on October 6, 1981, QRC filed for reorganization pursuant to Chapter 11 of the Bankruptcy Code, 11 U.S.C. §101 et seq. On November 12, 1981 the Chapter 11 Petition was converted into a Chapter 7 liquidation.

15. The facility contains 61 (SIXTY-ONE) above-ground storage tanks with a storage capacity of approximately 9 million gallons, in addition to approximately 10 underground storage tanks with a capacity of roughly 40,000 gallons. It covers an area of about 15 acres, with a perimeter of approximately 22,000 linear feet. Large quantities of chemically contaminated waste oil, oil sludges, tar, asphalt, process water, and as yet uncharacterized liquid chemicals have been abandoned in tanks at the site. In addition to the bulk liquids stored at the site, about 50 drums containing oils, sludges, contaminated absorbent materials, debris, and uncharacterized materials are staged at primarily three locations within the facility.

16. As a result of the long period of active operations at the site and poor housekeeping throughout that period, soils at the site have become heavily contaminated with asphaltic materials and with oils containing hazardous substances and chemicals, some of which have been released from their containments during spills which occurred at the facility after its cessation of operations.

17. Large deposits of tar and asphalt have been identified in the soil near the Hudson River, and the surface of the shallow portion of the Hudson River which borders on the facility is continually covered with a thick layer of weathered oily sludge.

18. There presently exists at least 750,000 gallons of chemically contaminated oil within the tanks at the facility. Oil in many of the facility's tanks has been identified as contaminated with PCBs in concentrations from 50 to 260 ppm. Approximately 266,000 gallons of oil has been found to be contaminated with PCBs near or above the level of 50 ppm.

19. A number of tanks at the facility contain hydrocarbons with flash points of approximately 140° F., and one tank contains 50,000 gallons of liquid hydrocarbon with a flash point of 125° F. Internal tank temperatures during summer weather can be expected to reach or exceed the flash point of the liquids in these tanks.

20. Volatile hydrocarbons including benzene, toluene, trichloroethane, ethyl benzene, and phenol have been identified in samples of oil taken at the facility.

21. Approximately 4.2 million gallons of contaminated aqueous liquids have been abandoned at the facility. Analyses of portions of these wastes have indicated Chemical Oxygen Demand (COD) and Total Organic Carbon (TOC) concentrations as high as 150,000 ppm and 54,000 ppm, respectively. Levels of cyanide as high as 10 ppm and of lead as high as 59 ppm have been identified upon analysis of the water phase of the contents of tanks at the facility, in addition to chloroform and anthracene.

22. The chemicals mentioned in Paragraph 21, supra, including but not limited to benzene, cyanide, toluene, phenol, and PCBs are considered to have "high toxicity" according to Sax, N.I., Dangerous Properties of Industrial Materials, 5th Edition, 1979. A chemical exhibiting "high toxicity" poses a threat to life, or may cause permanent impairment or death, based upon a single exposure, or continuous repeated exposures.

23. Significant amounts of contaminated sludges have been abandoned at the facility. It is estimated that the site presently stores 500,000 gallons of such contaminated sludges.

24. EPA has conducted limited air monitoring at the site. Organic Vapor Analyzer (OVA) readings of over 400 ppm have been obtained while measuring vapors released from liquids being pumped from storage tanks during December 1982. Positive tests for benzene and phenol in air have been obtained using Draeger tubes and Lomotte Sampling Kits.

25. Analyses of samples taken at the facility have indicated the presence of animal or human carcinogens or suspected carcinogens, including but not limited to PCBs, benzene, cyanide and lead. Other adverse human health effects attributable to substances detected at the facility include, but are not limited to, irritation or burning of the skin and/or eyes upon contact, and dizziness or suffocation due to inhalation of vapors.

26. The substances referenced in Paragraph 25, supra, by virtue of their properties as Hazardous Substances, pollutants, and/or contaminants, toxic substances, or carcinogenic substances, are responsible for adverse human health effects from exposure via ingestion, inhalation, or direct contact.

27. Wastes detected in analyses of samples taken from tanks at the facility indicate a potential fire hazard due to the low flashpoint of the constituents of those wastes.

28. A fire at the facility involving some of the substances listed in paragraph 22, supra, would result in creation of toxic by-products including, but not limited to, chlorinated dibenzofurans and dioxins from the burning of PCBs. One such chlorinated dioxin is tetrachlorodibenzodioxin, one of the most acutely toxic substances known.

29. A federal Center for Disease Control (CDC) representative visited the facility on March 15, 1985 and determined that the facility constitutes a significant hazard and threat to public health. The CDC has recommended immediate removal from the facility of those highly toxic materials presently abandoned there.

30. There are two major spill pathways leading to highly increased probabilities of contact and inhalation exposure of human populations with hazardous substances abandoned at the facility. First, a sudden spill (e.g., from transfer equipment failure or from failure of deteriorating containment structures) could travel west from the site toward River Road and an active industrial railroad spur. Such a spill would pose a direct contact threat to persons who utilize River Road. Vehicular traffic could spread contamination from the site over a relatively large residential area in a short period of time. Liquid flow from such a release could be expected to contaminate a produce warehouse located north of the facility. Second, a spill from the site traveling east could travel directly to the Hudson River or could enter the Hudson River either through underground piping and drain systems on the site or through storm drain lines located on the property immediately to the south of the site.

31. The present owners of the facility, Respondents FROLA and VON DOHLN, hired a contractor in the fall of 1982. From that time until the summer of 1983, the contractor attended to small spills at the facility, maintained a containment boom along the eastern property boundary with the Hudson River, dismantled sections of transfer piping, installed emergency clay diking, constructed an overland discharge line from the facility oil-water separator to the Hudson River, and arranged for the disposal of 200,000 gallons of contaminated aqueous solution from a leaking tank. 776,000 gallons of oil were removed from the facility and sold during that time. No major cleanup or stabilization of the site was achieved, however, and no steps were taken to eliminate the occurrence of releases and the threat of releases from the facility to the environment or to abate the existence of a threat posed by the facility to the public health, welfare, or the environment.

32. In November 1983 the property owners entered into an administrative consent order with NJDEP. That order detailed steps required for a cleanup of the site. The requirements of that order were not satisfied, and the property owners remain in violation of that order.

33. In or about July 1984, EPA commenced an action pursuant to 40 C.F.R. Part 112 against certain of the Respondents for failure of the facility to have prepared, maintained, and implemented a Spill Prevention Control and Countermeasure (SPCC) Plan for the facility. The deficiencies noted in that administrative action were not corrected, and that action, including the matter of a proposed penalty of \$200,000, remains unresolved.

34. During the period September 1984 until March 1985, EPA and representatives of some of the Respondents, including the owners of the facility, attempted to negotiate voluntary cleanup of the facility by those Respondents. The Respondents with whom EPA was negotiating failed to come forward with a plan to terminate the releases and threatened releases from the facility to the environment.

35. EPA has determined that the release of material containing hazardous substances from the facility into the environment constitutes a release of hazardous substances from a facility to the environment within the intent of CERCLA.

36. Hazardous substances, pollutants, and contaminants threaten to continue to be released from the facility into the environment absent the taking of appropriate actions at the facility.

37. The continued releases and threatened releases of hazardous substances, pollutants, and contaminants from the facility to the environment presents an imminent and substantial endangerment to the public health, welfare and the environment. Corrective actions, as contemplated by §§300.65 and 300.67 of the NCP, are appropriate at the facility to prevent and/or mitigate immediate and significant risk of harm to human health and/or the environment.

DETERMINATION

Based upon the FINDINGS set forth above and the entire administrative record, EPA has determined that the release and threat of release of hazardous substances to the environment from the facility may present an imminent and substantial endangerment to the public health, welfare, and the environment within the meaning of §106(a) of CERCLA, 42 U.S.C. §9606(a).

ORDER

Based upon the foregoing FINDINGS and DETERMINATION, IT IS HEREBY ORDERED that to protect the public health, welfare and the environment, it is necessary that certain actions be taken to abate the release and threat of release of hazardous substances, pollutants, and contaminants at and from the facility into the environment. A Removal Program as set forth in greater detail in Attachment A hereto, must be implemented at the facility.

IT IS FURTHER ORDERED:

1. Not later than the effective date of this Order, Respondents shall select a coordinator, to be known as the Designated Coordinator, and shall submit the name, address, and telephone number of the Designated Coordinator to the EPA On-Scene Coordinator (OSC). The name, address and telephone number of the EPA Region II On-Scene Coordinator is: Mr. John Witkowski, On-Scene Coordinator, Response and Prevention Branch, EPA Region II, Edison, New Jersey 08817, 201-321-6739.

2. Respondents shall implement the Removal Program set forth in Attachment A hereto. Implementation of Phase I of the Removal Program shall be commenced not later than April 3, 1985 and shall be completed not later than June 1, 1985. Phase II of the Removal Program shall be commenced as soon after commencement of Phase I as possible, but in no event later than June 1, 1985, and shall be completed not later than February 1, 1986.

3. As appropriate during the course of implementation of the Removal Program at the facility, Respondents or their consultants or contractors, acting through the Designated Coordinator, may confer with the OSC concerning the Removal Program. Based upon new circumstances or new information not in the possession of EPA on the date of this Order, the Designated Coordinator may request in writing approval of a modification of the Removal Program as incorporated in Attachment A hereto from the OSC. If approved by the OSC, such modification shall be implemented immediately by Respondents.

4. In the event of an inability or anticipated inability of Respondents, or any of them, to perform any of the activities required by the Removal Program, the Designated Coordinator shall immediately inform the OSC of the reason for, and date and length of, any anticipated inability to perform, and the actions taken or to be taken by Respondents, or any of them, to avoid or mitigate the impact of such inability to perform, including the proposed schedule for such actions.

5. In the event of a significant change in conditions at the facility, the Designated Coordinator shall notify the OSC immediately at the following emergency telephone numbers: 201-548-8730 or 201-321-6670. Until the OSC provides direction, Respondents may, at their discretion, take reasonable measures under the circumstances. Respondents shall remain liable for any adverse consequences of such measures. In the event the OSC determines that the activities under the Removal Program, or significant changes in conditions at the facility, pose a substantial threat of immediate and significant risk of harm to human life or health or the environment, EPA may order Respondents to stop further implementation of the Removal Program or to take other and further actions reasonably necessary to abate the emergency. This provision is not by way of

limitation to any rights EPA may have under §§300.65 or 300.67 of the NCP or any other applicable provision of the NCP, or under any other applicable law or regulation.

6. All actions and activities carried out by Respondents pursuant to this Order shall be done in accordance with all applicable federal, State, and local laws, regulations and requirements and with applicable provisions of the NCP.

7. All waste disposal conducted by Respondents pursuant to this Order shall be consistent with all requirements of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 et seq., the Toxic Substances Control Act (TSCA), 15 U.S.C. §2601 et seq., and all regulations promulgated pursuant thereto, as well as all applicable State laws and regulations.

8. Not later than April 8, 1985, each of the named Respondents to this Order shall inform EPA in writing of its intent to comply with the terms of the Order by stating with specificity the steps it intends to take to achieve compliance with the terms of the Order. In such response, reference may be made to Attachment A hereto. In the event any Respondent, as a result of its participation in a Respondents' group or committee, intends to rely upon and be bound by the response of a person other than an officer or counsel of that Respondent, such Respondent, in its response, shall specify the other party on whose response it intends to rely and shall supply the name, address, and telephone number of the representative of that other party through whom it intends to respond and be bound. A Respondent relying upon the response of another party must, as part of its response not later than April 8, 1985, provide EPA with a statement from such other party acknowledging that such other party is, in fact, representing the interest of the relying Respondent.

9. Failure of any Respondent to expeditiously and completely carry out the terms of this Order may result in EPA taking the required actions unilaterally, pursuant to §104(a)(1) of CERCLA, 42 U.S.C. §9604(a)(1). Submittals of the notification required by paragraph 8, supra, shall be made to the Regional Counsel, EPA Region II, with a copy sent to Ms. Patricia Wells, Environmental Engineer, New Jersey Investigation and Compliance Section, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278.

10. Respondents shall provide written weekly progress reports to EPA with respect to all actions and activities undertaken pursuant to this Order. All submittals, deliverables, and notifications to EPA pursuant to this Order shall be made to the OSC and to the Regional Counsel contact, Henry Gluckstern (212-264-4430), unless otherwise provided herein.

11. Unimpeded access to the Facility shall be provided by Respondents FROLA and VON DOHLN to EPA, NJDEP, and to those Respondents complying with this Order through implementation of the Removal Program, as well as to their respective employees, contractors, and consultants, and the Respondents named in this paragraph shall permit such persons to be present on the facility at any and all times and to observe any and all activities conducted pursuant to this Order. This paragraph shall equally apply to any premises other than the facility which any Respondent or its contractor or consultant may use in connection with implementation of this Order.

Any contract between a Respondent and a third party, or between two or more Respondents, for removal and/or disposal of waste from the facility or for performance of laboratory analytical work shall provide for unimpeded EPA and NJDEP access to either a waste storage or disposal site used in connection with such removal and/or disposal of wastes from the site or an analytical laboratory used to perform work in connection with implementation of the Removal Program.

12. Employees of EPA and NJDEP shall have full access to all technical records and contractual documents maintained or created by Respondents or their contractors in connection with implementation of the Removal Program.

13. With respect to all chemical analyses and all disposal operations conducted in compliance with this Order, the complying Respondent(s) shall provide the OSC with the identity of and, if applicable, licensing identification numbers of (e.g., with respect to waste haulers or disposal facilities) all persons or entities performing such work within 2 (TWO) working days of selection of such persons, companies, or facilities, for purposes of establishing that all such activities have been performed in accordance with EPA approved methodology and that all wastes ultimately disposed are disposed at EPA-approved hazardous waste disposal facilities.

14. All removal work performed pursuant to this Order shall be performed under the direction and supervision of one or more registered or otherwise appropriately licensed professional engineers, geologists, or hydrologists, as appropriate to the task being performed.

15. All chemical analyses shall conform to EPA Quality Assurance/Quality Control procedures and in conformance with Section 10 and 1.3, respectively, of the EPA publication entitled "Test Methods for Evaluating Solid Waste" (SW-846) and "Guidance for Preparation of Combined Work/Quality Assurance Project Plans for Water Monitoring."

16. Upon request by the OSC, Respondents and/or their contractors shall provide split samples of any material sampled in connection with implementation of the Removal Program.

17. The United States, by issuance of this Order, assumes no liability for any injuries or damages to persons or property resulting from acts or omissions by Respondents, or any of them, or Respondents' employees, agents, contractors, or consultants, in carrying out any action or activity pursuant to this Order, nor shall the United States be held as a party to any contract entered into by Respondents, or any of them, or by their officers, employees, agents, contractors, or consultants in carrying out any action or activity pursuant to this Order.

18. Nothing herein shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations, ownership, or use of the facility by Respondents, their agents, contractors, lessees, successors, or assigns. Nothing herein shall constitute a finding or admission that Respondents are the sole responsible parties in connection with releases or threatened releases of hazardous substances from the facility found to be occurring in the Findings of this Order.

19. Nothing contained in this Order shall affect any right, claim, interest, defense, or cause of action of any party hereto with respect to third parties, which parties are not Respondents to this Order, or with respect to any other persons whom EPA has notified are deemed potentially responsible parties in relation to the facility.

20. Respondents' activities under this Order shall be performed within the time limits set forth herein unless performance is delayed by events which constitute force majeure. For purposes of this Order, force majeure is defined as any event arising from causes beyond the control of Respondents or Respondents' officers, directors, employees, agents, servants, receivers, trustees, successors, and assignees and any persons, including but not limited to firms, corporations, subsidiaries, contractors, and consultants, acting under or for Respondents. Financial considerations of Respondents and other persons mentioned in this paragraph shall not be considered circumstances beyond the control of Respondents. In the event of a force majeure, Respondents shall be obligated to perform the affected activities within a time period which shall not exceed the time period of the delay attributed to the force majeure, provided, however, that no deadline shall be extended beyond a period of time that is reasonably necessary. In the event that there is a dispute as to whether or not any delay results from circumstances beyond the control of Respondents, the burden of proof shall lie with the Respondents.

Respondents shall orally notify EPA's designated representative, who shall be both the Quanta attorney and the Quanta OSC in lieu of specific designation of some other person, as soon as possible following Respondents' awareness that circumstances constituting a force majeure have occurred or are likely to occur. If the designated representative cannot be contacted, Respondents shall attempt to leave a message at his or her office and shall immediately proceed to notify the EPA OSC by phone. In addition, Respondents shall notify EPA in writing, over the signature of a responsible official of Respondents, as soon as possible but not later than 5 (FIVE) days after Respondents become aware that circumstances constituting a force majeure have occurred.

Such written notice shall be accompanied by all available pertinent documentation, including but not limited to third-party correspondence, and shall contain the following: 1) a description of the circumstances, and Respondents' rationale for interpreting such circumstances as being beyond their control; 2) the actions (including pertinent dates) that Respondents have taken and/or plan to take to minimize any delay; and 3) the date by which or the time period within which Respondents propose to complete the delayed activities.

Respondents' failure to timely notify EPA as required by this Paragraph shall render the remaining provisions of this Paragraph null and void insofar as they may entitle Respondents to an extension of time.

21. Respondents shall use their best efforts to avoid or minimize any delay or prevention of performance of their obligations under this Order. Respondents shall provide written notification to EPA of any circumstances which have caused or which Respondents believe are likely to cause a delay of performance. Such written notice: 1) shall be provided as soon as possible, but not later than 10 (TEN) days after the date when Respondents knew or should have known of the occurrence of such circumstances; 2) shall be accompanied by all available documentation, including but not limited to third-party correspondence; and 3) shall include a) a description of the circumstances causing or potentially causing the delay; b) the actions (including pertinent dates) that Respondents have taken and/or plan to take to minimize any delay; and c) the date by which or time period within which Respondents propose to complete delayed activities.

22. If Respondents fail to conform with the requirements set forth in Paragraphs 1 - 16 of this Order and Attachment A hereto by the time periods specified therein, and such failure is not excused under the provisions set forth in Paragraph 20 above, Respondents shall make payments to the EPA in the amount indicated below for each day of noncompliance:

<u>Days After Required Date</u>	<u>Stipulated Penalties</u>
1-14	\$ 1000 for each day
15-30	\$ 1500 for each day
greater than 31	\$ 2000 for each day

Payment of such stipulated civil penalties shall be made by delivery of a cashier's or certified check payable to the "Hazardous Substances Response Trust Fund". Such payment shall be tendered by the 25th day of the month following the month in which a violation or non-compliance giving rise to a stipulated penalty occurs to the following address: EPA - Superfund, P.O. Box 371003M, Pittsburgh, Pennsylvania 15251. A letter describing the basis for the penalties shall accompany the payment; a copy of the letter shall be sent to the Chief, Site Investigation and Compliance Branch, EPA, Region II and to the Quanta attorney as indicated in paragraph 10, supra.

23. Respondents agree not to make any claims pursuant to §112 of CERCLA, 42 U.S.C. §9612, directly or indirectly, against the "Hazardous Substance Response Trust Fund."

24. The provisions of this Order shall be deemed satisfied upon the Respondent's receipt of written notice from EPA that the Respondent has demonstrated, to the satisfaction of EPA, that all of the terms of this Order, including any additional tasks which EPA has determined to be necessary, have been completed.

25. Violation of this Order as a result of Respondents' failure to comply with any provision herein shall be enforceable pursuant to §§106(b) and 113(b) of CERCLA, 42 U.S.C. §§9606(b) and 9613(b). Respondents may also be subject to cost recovery by the United States, civil penalties and/or punitive damages as provided in §§106(b), 107(a), and 107(c)(3) of CERCLA, 42 U.S.C. §§9606(b), 9607(a), and 9607(c)(3), for failure to comply with the terms of this Order. Nothing herein shall preclude EPA from taking such additional actions as may be necessary to prevent or abate an imminent and substantial danger to the public health, welfare or the environment arising from conditions at the facility and recovering the costs thereof, nor shall anything herein preclude NJDEP from taking legal action pursuant to State law.

26. This Order shall become effective on April 29, 1985, and all times for performance of actions or activities to be performed under this Order shall be calculated from the effective date, except as elsewhere provided to the contrary.

Date of Issuance: _____

By:

CHRISTOPHER J. DAGGETT
REGIONAL ADMINISTRATOR

[XYZ Respondent Corporation, Inc.]

By:

(signature)

DATE

(printed name of signatory)

(corporate title or designation of authority)

ATTACHMENT A

SCOPE OF WORK TO BE PERFORMED BY RESPONDENTS IN THE IMPLEMENTATION OF THE REMOVAL PROGRAM

The detailed scope of work to be performed by Respondents in implementing the activities in this Consent Order under the Removal Program at the facility is as follows. Phase I shall be completed within 8 weeks of the effective date of this Order. Phase II shall be completed within 10 months of the effective date of this Order.

PHASE I

-1. Rehabilitation of Oil/Water Separator

The facility oil/water separator shall be drained and repairs made to any relatively minor structural defects (i.e., cracks, leaking valves, etc.). Drainage lines leading to the separator shall be inspected and repaired or redesigned as necessary to insure that all areas of the facility are adequately drained. Lines shall be cleared, if necessary, to assure that oily materials accumulated in lines from past activities will not be constantly flushed into the separator. The underground discharge line from the separator to the Hudson River shall be sealed to prevent discharge to the River from this line. All discharges to the River will be via the newly constructed above-ground discharge line. Repairs or replacement will be performed in order to insure compliance with NJDEP permit requirements. Any extraneous piping into the system shall be sealed. Sampling and analysis of the effluent shall be conducted pursuant to the requirements of the NJPDES permit.

2. Removal of Contaminated Water

Water will be removed from tanks A-3, A-4, A-7, D-10, and D-11, at a minimum, to reduce individual tank volumes below 500,000 gallons, the estimated yard containment capacity. This will insure yard containment of any spilled liquids due to tank failure. All material will be disposed of in an appropriately permitted disposal facility.

3. Removal of Potentially Explosive Liquids

Material having a flashpoint less than 140°F, as indicated by analytical data available for the facility, will be removed from the site, including the 50,000 gallons stored in Tank A-2. This material will be disposed of in an appropriate manner.

4. Improvement of Site Security

Site security will be improved to prevent unauthorized entry to the site.

PHASE II

1. Development of Work Plan

Within 15 days of the effective date of this Order, Respondents shall submit the first draft of a detailed Work Plan to address the stabilization or removal of the waste remaining at the site. The detailed Work Plan shall include, but not necessarily be limited to, the following:

- a. a detailed time schedule for performance of the specific tasks set forth in this Order and a detailed description of how these tasks will be accomplished;
- b. a map or sketch depicting all sampling locations and the number and types of samples to be obtained at each sampling location;
- c. an overall Site Operations Plan for performance of tasks specified in this Order, including identification of (or provision for later advance identification of) contractors and subcontractors and their respective responsibilities;
- d. a Health and Safety Plan;
- e. a contingency plan for conducting site activities; and
- f. specifications for the performance of a complete inventory of containers of all hazardous substances, chemicals, or waste materials present at the facility, a qualitative chemical characterization of the contents of all containers, and an estimate of volumes contained in each container.

2. Verification of NJPDES Permit Compliance

The effectiveness of the oil/water separator in meeting its NJPDES permit limits has not been determined. The NJPDES regulated discharge from the oil/water separator shall be sampled during an instance of ponded rainwater discharge. Contaminants to be characterized shall include the following characteristics specified by the State of New Jersey, including:

Phenols
TSS
COD
TOC
PCB

Barium
Oil and Grease
Chromium
Cyanide
GC/MS Scan

3. Boom Deployment

A containment boom shall be anchored to the bulkhead in sliding racks, to allow for tidal fluctuations. The boom shall be installed so as to contain waste oil escaping from the facility to the Hudson River in as narrow an area adjacent to the property as possible. Contained oils shall be removed during every tidal cycle and disposed of properly. A filter box or sorbent pads may be placed perpendicular to the bulkhead to absorb oil moving parallel to the bulkhead at the approach of low tide. The filter box shall be maintained, and/or the sorbent pads replaced, as necessary.

4. Waste Analysis

Waste analysis tests shall be performed on all liquid phases of all tanks and on sludge contained in the large cut-off tank prior to bulk removal. The following minimum analyses are prescribed:

Water

Oil and grease
Cyanides, Lead
COD, TOC, pH
Priority Pollutants

Oil

PCB
Priority Pollutants
& Solids, Water, Ash
Total Halogens (ppm)
Flashpoint

5. Waste Disposal

Materials contained in bulk storage tanks shall be removed from the storage tanks and disposed of at appropriate waste disposal facilities. Where appropriate, use of innovative technology should be considered in performing this activity.

6. Cleanup of Sludge-Containing Tanks

Sludge shall be removed from the large cut-off tank and disposed. The tank shall be cleaned and altered so rainwater will not accumulate and cause contaminated oil to enter the facility yard. Sludge in danger of spilling from bulk storage tanks (particularly those in D-Farm) shall also be removed and disposed at an approved facility.

7. Decommissioning of Underground Tanks

Underground tanks are known to be present at the facility. Two are located under the loading pool adjacent to Tank Farm A, and five are situated adjacent to the oil/water separator. The first two have been cleaned and their inlet ports plugged with concrete. The remaining tanks which have been identified shall be cleaned and similarly decommissioned. The location of all other underground tanks at the facility shall be identified.

8. Upgrading of Facility Spill Containment Capacity

The site shall be surveyed to determine accurate elevations and to determine where additional containment diking should be constructed. The dike wall surrounding the C Tank Farm shall be repaired to insure complete integrity. The floor of Tank Farm C within the dike shall also be inspected and repaired to insure containment integrity and imperviousness to liquid. Transfer lines within the C Tank Farm shall be dismantled and cleaned, and the drainage effluent valve for the tank farm shall be repaired to insure complete drainage control. The inner surface of the dike wall and the tank farm floor shall be cleaned so that heavy oil staining is removed. The piping system in the A and D tank farms shall also be inspected to insure that there are no drainage lines leading to the Hudson River.

Perimeter diking around the facility shall be inspected periodically during the removal. An engineering assessment shall be made of the adequacy of dike design parameters. Redesign and repair shall be instituted to insure that all possible spills of remaining materials are contained on the facility's property. A clay dike or concrete wall shall be constructed on the west side of the A Farm, adjacent to the railroad.

9. Removal of Physical Obstructions

The site contains a significant amount of extraneous piping and associated hardware which pose a physical hazard to both personnel and equipment brought on-site. This material shall be disconnected, cleaned, and piled in an isolated portion of the yard.

10. Ambient Air Monitoring

Ambient air monitoring shall be conducted prior to site actions to provide baseline air quality data. (Monitoring shall also be conducted continually during the removal to catalog current ambient air and conditions in the vicinity of removal operations.) Characteristics to be tested include volatile organics, Benzene, Phenols, Toluene, and Cyanide utilizing OVA/HNU, Drager Tubes, or LaMotte Sampling Units.

11. Drum Removal

All drums, pails, or other small containers of wastes shall be staged prior to removal from the site. All such materials shall be held at the staging area for a minimum of 48 (FORTY-EIGHT) hours prior to removal of those wastes from the site. During that 48 hour period, DEP and EPA personnel may inspect the wastes and their containers and record by any method the labelling on those containers or other information which those agencies believe pertinent.

12. Recovery of Spilled Materials

Respondents shall act to immediately effect the recovery of all hydrocarbons spilled on the ground as a result of the removal operations.

13. Notification of Sampling Activity

Respondents shall provide the OSC with 2 (TWO) days advance notice of any sampling to be conducted by Respondents in connection with implementation of this Removal Program. EPA shall notify Respondents on the following day as to whether EPA shall require split samples. On EPA's request, a split sample shall be provided to the OSC in a manner to be coordinated by the Designated Coordinator. Respondents shall be entitled to receive the results of any analyses performed by EPA or its contractors of such samples, but the receipt by EPA of any such sample shall not obligate EPA to perform an analysis of that sample.

14. Records

The following records, at a minimum, shall be created and maintained by Respondents and provided to the OSC at any time upon his request:

a. days and times of operation of all activities under this Removal Program;

b. inspection and replacement and/or maintenance dates for deployed sorbent boom and/or filter box;

c. daily weather records;

d. daily quantity of aqueous solution removed, specification of tanks from which removed, and destination of all aqueous waste loads removed from the facility. Copies of all manifests shall be maintained at the facility;

e. daily quantity of hydrocarbon removed, specification of tanks from which removed, and destination of all hydrocarbon waste loads removed from the facility. Copies of all manifests shall be maintained at the facility;

f. daily readings for air quality determinations at the facility and location of taking of all such readings;

g. identification of all operational problems and their resolution;

h. drum disposal records, including specification of any bulking performed, disposal date and disposal location.

Submittal of the Work Plan shall be made as provided for deliverables in the Order.

EPA will review and comment on the draft Work Plan. EPA will address its comments to the conformance of the Work Plan with sound management, engineering and scientific practices, technological feasibility, and established environmental monitoring procedures. Within 15 days of Respondents' receipt of EPA's comments, Respondents shall amend the Work Plan as required by those comments, or as otherwise directed by EPA, and submit the final document to EPA. EPA remains the final arbiter in any dispute regarding the sufficiency of the substance or form of the Work Plan. At such time as EPA determines that the Work Plan is acceptable, EPA will transmit to Respondents a written statement to that effect.

Respondents shall perform Phase II of the Removal Program in conformance with the approved Work Plan and Site Operations Plan, pursuant to the schedule set forth in the Work Plan, as approved by EPA. Implementation of the final Work Plan, as approved, shall commence within 5 (FIVE) days of receipt of approval by EPA.

See cover sheet for instructions.
Please TYPE all information.STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
HAZARDOUS WASTE MANIFEST

PART A: DISPOSER'S COPY

DOCUMENT NO. NJ 0025569

GENERATOR NAME Tolan Realty		PHONE (INCLUDE AREA CODE) 201-677-3893		EPA ID NO. Not Available	
ADDRESS (STREET - CITY - STATE - ZIP CODE) 76 East Park St. East Orange, N.J.					
TRANSPORTER NO. 1 Active Oil Service		PHONE (INCLUDE AREA CODE) 201-482-4600		EPA ID NO. N.J. 2000027748	
ADDRESS (STREET - CITY - STATE - ZIP CODE) 100 Riverside Ave. Newark, N.J. 07104					
TRANSPORTER NO. 2		PHONE (INCLUDE AREA CODE)		EPA ID NO.	
ADDRESS (STREET - CITY - STATE - ZIP CODE)					
TREATMENT, STORAGE OR DISPOSAL (TSD) FACILITY Quanta Resources		PHONE (INCLUDE AREA CODE) 201-941-2020		EPA ID NO. N.J. D000694307	
SITE ADDRESS (STREET - CITY - STATE - ZIP CODE) 1 River Road, Edgewater, N.J. 07020					
IF MORE THAN TWO TRANSPORTERS ARE TO BE UTILIZED, FILL OUT THE FOLLOWING AS APPROPRIATE THIS FORM IS NO. _____ OF A TOTAL OF _____ THE FIRST MANIFEST DOCUMENT NO. IS NJ → _____					
PROPER US DOT SHIPPING NAME	US DOT HAZARD CLASS	UN NUMBER	FORM	NET QUANTITY	CONTAINERS NO. TYPE
1. Waste Oils NOS	Liquid Combustible	N/A 1270	1	0.0500	1 0.01 0.3
2.					
3.					
4.					
5.					
6.					

SPECIAL HANDLING INSTRUCTIONS INCLUDING CONTAINER EXEMPTION (i.e. IDENTIFICATION OF ADDITIONAL WASTES INCLUDED IN SHIPMENT OF A NONHAZARDOUS NATURE WHICH DO NOT HAVE TO BE MANIFESTED)

GENERATOR'S CERTIFICATION: This is to certify that the above named materials are properly classified, described, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation, U.S. EPA and the State. The wastes described above were consigned to the Transporter named. The Treatment, Storage or Disposal Facility can and will accept the shipment of hazardous waste, and has a valid permit to do so. I certify that the foregoing is true and correct to the best of my knowledge.

GENERATOR'S SIGNATURE <i>Robert M. ...</i>	TITLE <i>President</i>	DATE SHIPPED MO. DAY YR. 06 22 81	EXPECTED ARRIVAL DATE MO. DAY YR. 06 23 81
TRANSPORTER NO. 1 SIGNATURE AND CERTIFICATION OF RECEIPT OF SHIPMENT <i>J. Blue</i>	TRANSPORTER NO. 1 VEHICLE ID NO. NJ S W A S 2536 A H	DATE RECEIVED MO. DAY YR. 06 22 81	

PART B: DISPOSER'S COPY

GENERATOR EPA ID NO.
Not Available

TRANSPORTER NO. 1 SIGNATURE AND CERTIFICATION OF DELIVERY AND NON-TAMPERING WITH SHIPMENT <i>J. Blue</i>		DATE DELIVERED MO. DAY YR. 06 30 81
TRANSPORTER NO. 2 SIGNATURE AND CERTIFICATION OF RECEIPT OF SHIPMENT	TRANSPORTER NO. 2 VEHICLE ID NO.	DATE RECEIVED MO. DAY YR.
TRANSPORTER NO. 2 SIGNATURE AND CERTIFICATION OF DELIVERY AND NON-TAMPERING WITH SHIPMENT		DATE DELIVERED MO. DAY YR.
TREATMENT STORAGE OR DISPOSAL FACILITY INDICATION OF ANY DIFFERENCES BETWEEN MANIFEST AND SHIPMENT OR LISTING OF REASONS FOR AND DISPOSITION OF REJECTED MATERIALS 11259		HANDLING METHOD 1. T 3 1 2 8 1 2. T 3 6 5 3. T 4 1 6
TREATMENT STORAGE OR DISPOSAL FACILITY SIGNATURE AND CERTIFICATION <i>J. ...</i>	TITLE <i>Officer</i>	DATE RECEIVED MO. DAY YR. 06 30 81

In case of emergency or spill immediately call the National Response Center (800) 424-8802 and the N.J. Dept. of Environmental Protection

DOCUMENT NO. NJ 0025569

To Whom It May Concern:

This is to advise you that the material being taken out of my fuel tank is composed only of oil and oil sludge, with sand, dirt, and grit.

There is no chemical content whatsoever contained in this material, with the exception of that listed in the previous paragraph.

I intend to dispose of this material according to all precepts and mandates of the State of New Jersey, the Federal Environmental Protection Agency, and the U. S. Department of Transportation.

Signed

W. C. Hunter

Date

6-30-81

Tolan Realty
76 East Park St.
East Orange, N.J.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
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NEW YORK, NEW YORK 10007
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76 East Park St.
East Orange, NJ 07018

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5/10/85
NOTICE
6/1/85
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6058
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PS Form 3849-A
Oct. 1980